

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TIGER SUPPLIES, INC.,

Plaintiff,

v.

MAV ASSOCIATES, LLC, et al.,

Defendants.

Civil Action No. 20-15566 (SRC)

OPINION & ORDER

CHESLER, District Judge

This matter comes before the Court on the motion to dismiss the Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), filed by Defendants Michael Del Tito and Mav Associates, LLC on November 10, 2020. On November 30, 2020, Plaintiff filed an Amended Complaint, in lieu of opposition to this motion, pursuant to Federal Rule of Civil Procedure 15(a)(1), which states:

Amending as a Matter of Course. A party may amend its pleading once as a matter of course within:

- (A) 21 days after serving it, or
- (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Because the instant motion to dismiss sought to dismiss the Complaint, and because Plaintiff has now filed an Amended Complaint as of right, the motion to dismiss will be dismissed without prejudice as moot.

For these reasons,

IT IS on this 3rd day of December, 2020, hereby

ORDERED that Defendants' motion to dismiss the Complaint (Docket Entry No. 4) is
DISMISSED without prejudice as moot.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.